GPN-J.332-ARCHB-8.94-1310500-ALA4 Spl-H.C.A.S.C.D.79e

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 9009 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.)

Court's or Judge's orders

Mr. S.M. Oka for Petitioner.

Mr. A.P. Vanarse, A.G.P. for Respondent Nos. 1 to 3.
Mr. P.P. Chavan with Mr. Kiran Gandhi i/by M/s. Little & Co. for Respondent NO. 4.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 07, 2005

P.C.

. On the last occasion, the matter was adjourned to enable the counsel for the Petitioner to examine the judgement which has taken the view that MID Act is a special enactment and would prevail over the provisions of the M.R.T.P. Act.

. The case of the Petitioner is that he is owner of the land. The land has been reserved as green belt under the D.P. Plan and as such the same could not have been

acquired for industrial purposes under MID Act. From the record, it appears that Chapter VI of the MIDC Act was made applicable in the year 1998.The Petitioner purchased the land in the year 2000. Even if it is held that the petitioner would have interest in the land, the law on the subject as to whether MIDC Act would prevail over the MRTP Act was considered by the Division Bench of this court in the case of Ganpat Dhondu Bhuvad and others Vs. State of Maharashtra and Ors. in Writ Petition No. 2735 of 1994 decided on 27.7.1994. The learned Division Bench after considering the provisions of the MID Act and M.R.T.P. Act held that the MID Act is a special Act and would prevail over the provisions of the M.R.T.P. Act. This judgement was thereafter followed in Writ Petition No. 3031 of 1999 decided on 11.4.2001 between Owens-Corning India Ltd. Vs. Maharashtra Industrial Development Corporation. The Apex Court in Bharat Singh and Otehrs Vs. State of Haryana and others, AIR 1988 S.C. 2181 has held that even agricultural land considering Government G.R.s can be acquired if it falls within the definition of public purposes. To our mind, therefore,

considering the purpose for which the land is acquired and that MID Act is a special Act, there is no merit in this petition which is accordingly rejected.

(F.I.REBELLO,J.)

(S.P.KUKDAY,J.)